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Federal Government Affairs

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December 5, 2001

Via Electronic Filing

Ms. Magalie Roman Salas  
Secretary  
Federal Communications Commission  
445 12<sup>th</sup> Street, SW, Room TWB-204  
Washington, DC 20554

Re: Notice of written ex parte communications, Joint Application by BellSouth Corporation, BellSouth Telecommunications, Inc., and BellSouth Long Distance, Inc. for Provision of In-Region, InterLATA Services in Georgia and Louisiana, CC Docket No. 01-277

Dear Ms. Salas:

AT&T submits this letter in support of Covad's Motion to Strike BellSouth's voluminous November 30 ex parte. BellSouth has essentially created for itself a sur-reply round of comments by which it has added to the record hundreds of pages of detailed analyses and materials that CLECs are prohibited by the ex parte limitations from replying to in kind. Indeed, if the rules allowed, CLECs could match BellSouth's filing with an equal number of pages detailing the new exceptions and observations opened by KPMG in the Florida testing and the status of the ongoing activities being undertaken by BellSouth in an attempt to shore up its deficient application, including its continued failed attempts to pass even a single day of production environment volume testing, its ongoing failure to provide parsed CSRs and its recent insufficient offers to modify the dysfunctional change management process. Indeed, rather than to assure the Commission that CLEC's concerns have been addressed, BellSouth's eleventh hour ex parte simply confirms that its application is premature and its systems and processes are still deficient. If the opposite were true, BellSouth would not have required hundreds of pages of materials to prove otherwise.

Moreover, by this submission, BellSouth is violating the standards that BellSouth itself earlier articulated regarding the late filing of evidence. In a letter criticizing AT&T

for filing information clarifying AT&T's position on BellSouth's DUF charges, BellSouth asserted that a party's failure to provide support for assertions in an original filing "should by itself severely limit any reliance on such claims by either the DOJ or the FCC."

October 30, 2001 letter by Jonathan B. Banks to Katherine Brown, DOJ. Mr. Banks objected to any filing that raised the possibility that a party would not be able to fairly respond -- the exact type of filing that BellSouth has made here -- and concluded that it would be "fundamentally unfair" for staff to rely upon any claim not supported in a timely manner. Using the standards enunciated in Mr. Banks' letter alone, Covad's Motion should be granted and BellSouth's late filed information and evidence should be stricken from this record.

Consistent with Commission rules, I am filing one electronic copy of this notice and request that you place it in the record of the proceeding.

Sincerely,

A handwritten signature in black ink, appearing to be 'JM' followed by a long horizontal line.

Joan Marsh

cc: Jessica Rosenworcel  
Aaron Goldberger